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09/719,514	12/13/2000	Takashi Ichikawa	18920-0016	8514

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EXAMINER

BRANT, DMITRY

ART UNIT	PAPER NUMBER
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2655

DATE MAILED: 06/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/719,514

Applicant(s)

ICHIKAWA, TAKASHI

Examiner

Dmitry Brant

Art Unit

2655

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 5/3/04.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. In response to the Office Action mailed February 3, 2004, applicant has submitted an Amendment, filed May 3, 2004, changing the drawings and amending the Specification to correct informalities to overcome examiner's objections.

While this has led to withdrawal of the objections to the Specification and the Claims, the 35 103 claim rejections remain, for the reasons given below under Response to Arguments.

Response to Arguments

2. Applicant's arguments have been fully considered but they are not persuasive.

Note: Examiner interpreted the following argument of Applicant: "Thus, the speech recognition system of Hitchcock can recognize a word having a predetermined template, but can recognize other words not having predetermined template" to mean "..., but cannot recognize other words...." Otherwise, Applicant's argument does not appear to follow.

Regarding claim 1, in response to Applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., lack of templates vs. templates in Hitchcock) are not recited in the rejected claims. Although the claims are interpreted in light of the specification,

limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Here, Applicant argues that his invention is different from Hitchcock's because it does not use templates for word recognition. However, under the broader interpretation, the process of "comparing a measured value with said measured value stored in storage" (claim 1) can be interpreted as a process of comparing current voice sample to the reference sample or template. After all, American Heritage Dictionary identifies *template* as "a pattern or a gauge" and under the plain meaning interpretation (or even art specific interpretation), the measured value stored in storage is certainly acting as a template for future comparisons. In addition, Hitchcock does teach recording the durations of individual states (the sum of all states will effectively give the duration of the whole pattern) and durations of silence periods (pauses) - see "LIGHTS___OFF" example (Table 4, Col. 20, lines 41-62). Therefore, for the reasons given above, the patent of Hitchcock "reads on" claim 1, as it is specified in the application.

Regarding claims 2 and 3-5, Applicant repeats the argument used for the first claim. However, in light of the explanation given for claim 1, these claims are not patentable. In addition, Examiner notes that Hitchcock does disclose a limitation present in claims 2 and 3 and not present in claim 1. Specifically, Hitchcock discloses using thresholds (or predetermined tolerance, as claimed by Applicant) to determine whether there is a pattern match (Col. 4, lines 45-55)

Finally, as for claims 4 and 5, Applicant's arguments that his invention is different from Hitchcock's because of the additional memory required for Hitchcock's invention are not persuasive. Additional memory requirements are not necessarily a proof of patentability. Specifically, Applicant's arguments fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references. Here, it is not clear how the reference to the Specification at page 2, lines 7-11 and page 17, lines 12-20 proves that claims 4 and 5 are patentable. Once again, it is noted that the features upon which applicant relies (ie, using IC to follow orders from the user or the rest of the 3rd paragraph from the bottom on page 6) are not recited in the rejected claims. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-5 are rejected under 35 U.S.C. 103(a) as being obvious over Hitchcock (4,761,815), in view of Maekawa et al. (6,471,420).

As per claim 1, Hitchcock discloses a speech recognition system for a toy robot that computes duration of speech segment that includes single words or phrases (including pauses) (Col. 3, lines 38-44 and Table 4, "lights off" example) and compares its time length to the pre-computed value stored in memory using threshold analysis (Col. 4, lines 45-55).

Hitchcock does not disclose the output means for "outputting the result of said recognition".

Maekawa teaches a toy device with voice response apparatus (1202, Fig. 27)

At the time of the invention it would have been obvious to a person of ordinary skill in the art to modify the system disclosed by Hitchcock to include a voice outputting means, as taught by Maekawa. This would allow Hitchcock's system to maintain a dialogue with the user, to notify the user about the result of speech recognition and potentially prompt the user to give a new command to the toy.

As per claim 2, Hitchcock discloses a speech recognition system for a toy robot that computes duration of speech segment that includes single words and compares its time length to the pre-computed value stored in memory using threshold analysis (Col. 4, lines 45-55).

Hitchcock does not disclose the output means for "outputting the result of said recognition".

Maekawa teaches a toy device with voice response apparatus (1202, Fig. 27)

At the time of the invention it would have been obvious to a person of ordinary skill in the art to modify the system disclosed by Hitchcock to include a voice outputting means, as taught by Maekawa. This would allow Hitchcock's system to maintain a dialogue with the user, to notify the user about the result of speech recognition and potentially prompt the user to give a new command to the toy.

As per claims 3-5, Hitchcock discloses a speech recognition system for a toy robot that computes duration of speech segment that includes single words or phrases (including pauses) (Col. 3, lines 38-44 and Table 4, "lights off" example) and compares its time length to the pre-computed value stored in memory using threshold analysis (Col. 4, lines 45-55).

Hitchcock does not disclose the outputting means for synthesized speech.

Maekawa teaches a toy device with voice response apparatus (1202, Fig. 27)

At the time of the invention it would have been obvious to a person of ordinary skill in the art to modify the system disclosed by Hitchcock to include a voice outputting means, as taught by Maekawa. This would allow Hitchcock's system to let the user learn the preferred pronunciation of toy commands by comparing and validating his/her commands to the commands outputted by the system.

Conclusion

5. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dmitry Brant whose telephone number is (703) 305-8954. The examiner can normally be reached on Mon. - Fri. (8:30am - 5pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Talivaldis Ivars Smits can be reached on (703) 306-3011. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to Tech Center 2600 receptionist whose telephone number is (703) 305- 4700.

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DB
6/22/04

Nguyen T. Vo

6-24-04

NGUYEN T. VO
PRIMARY EXAMINER